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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,042	12/31/1999	HENRY JOHN HUMMEL JR.	15-SV-5359	8637

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EXAMINER	
DEMICCO, MATTHEW R	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/477,042	Applicant(s) HUMMEL JR. ET AL.	
	Examiner Matthew R Demicco	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 19-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 19-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

2. Regarding Claims 1-3, 5, 6, 8, 19-21 and 23-28, Applicant argues that one of ordinary skill in the art would not consider a portable computer functionally connected to a scanning system to be a component of that system. The Examiner believes that Applicant has integrated the functionality of two well-known devices together, namely a

computer and a medical scanning device. It is well known in the art that a medical scanning device may contain or be controlled by a computer. Such medical devices are increasingly dependent on computers, including video display screens, keyboards, etc. Further, Levy has disclosed a direct connection between such a medical scanning device and a portable computer. The functionality of the portable computer is simply to interconnect a remote site with the host site for the transmission of readings from the medical apparatus (Col. 4, Lines 63-65). This is essentially the purpose of the computer claimed by Applicant. Applicant therefore argues that the patentable advance in the instant application is the integration of the two separate devices. It is noted that both devices as integrated by applicant function together as one of ordinary skill in the art might expect. Furthermore it is held that the integration of two separate devices accomplishing the same function is not a patentable advance in the art (See In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5-6, 8, 19-21 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,449,001 to Levy et al. in view of U.S. Patent No. 5,791,907 to Ramshaw et al.

Regarding Claims 1-3, Levy discloses a process and a system for video teleconferencing. The system includes a central service facility connected to any number of remote sites via a network (See Figure 1). Furthermore the system of Levy is based on a personal computer (Col. 5, Lines 11-45) and is used in conjunction with various medical diagnostic scanning devices (Col. 2, Lines 9-14) for the purpose of, among other things, technical and technique monitoring and training (Col. 6, Lines 54-67). Further, Levy discloses that the invention may be a direct link between the medical apparatus and the portable computer at the remote site (Col. 4, Lines 54-57). This direct connection between the computer and the scanning device reads on the claimed provision of software on medical diagnostic scanning systems as it is well known in the art that a single computer device may replicate the functionality of two or more interconnected computer devices that share data via a communication path. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic scanning system. Ramshaw discloses an interactive medical training device based on a personal computer system with a display and a speaker wherein the user can select and receive high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the client makes a request for content of the server, the server retrieves the data from its storage device and sends the data across the network to the client. The client, upon receipt

of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Ramshaw is evidence that ordinary workers in the art would recognize the benefits of computer-based video training in a medical environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical diagnostic scanning system teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training. This reads on the claimed selecting a training video via an input to the medical diagnostic scanning system, sending a request from the system to the central service facility via the network where the video request comprises an identifier identifying the selected training video.

Regarding Claims 5-6 and 8, Levy discloses a system for video teleconferencing on a diagnostic medical scanning device as stated above. Levy does not, however, disclose a method by which a specific training video is selected using a graphical user interface, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device as stated above based on a personal computer system with a display and a speaker wherein the user can select, receive and play back high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). The system of Ramshaw discloses a video/audio player for displaying the video data on the

display screen (See Figure 4A). Ramshaw further discloses an interactive medial training system that utilizes a graphical user interface for selecting a training video (See Figures 3A and 7A). Ramshaw is evidence that ordinary workers in the art would appreciate the benefits of being able to request, receive and play training videos in a medical facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical diagnostic scanning teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claims 19-21, Levy discloses a system for video teleconferencing on a diagnostic medical scanning device as stated above. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device based on a personal computer as stated above. It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the client makes a request over the network using a "communication module" for content from the server, the server retrieves the data from its storage device and sends the data across the network to the client utilizing a "communication module." To facilitate this data transfer, a known network protocol such as TCP/IP may be used to address/route said data over the network. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in

Figure 4A. Ramshaw is evidence that ordinary workers in the art would appreciate the benefits of being able to select, formulate a request for via a communications module, and receive from a central service facility training videos in a medical facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical diagnostic scanning teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claims 23 and 24, Levy discloses a system for video teleconferencing on a diagnostic medical scanning device as stated above. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic system. Ramshaw discloses an interactive medical training device based on a personal computer system as stated above. It is well understood in the art that in such a client-server relationship (Col. 8, Lines 21-32), when the client makes a request over the network using a "communication module" for content from the server, the server retrieves the data from its storage device and sends the data across the network to the client utilizing a "communication module." To facilitate this data transfer, a known network protocol such as TCP/IP may be used to address/route said data over the network. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Ramshaw is evidence that ordinary workers in the art would

appreciate the benefits of being able to select, formulate a request for via a communications module, and receive from a central service facility training videos in a medical facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical scanning diagnostic teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training.

Regarding Claim 25-28, Levy in view of Ramshaw disclose a system and method as stated above in Claims 2, 6, 20 and 24. Ramshaw further discloses a video library (See Figure 2) comprising training videos (See Figures 7-9) showing how to perform patient examinations.

5. Claims 4, 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Ramshaw and further in view of U.S. Patent No. 6,477,708 to Sawa.

Regarding Claim 4, as stated above, Levy in view of Ramshaw discloses a computer based medical diagnostic scanning video training system with a client-server model of operation. Levy in view of Ramshaw however, do not disclose a subscription verification system that would deny access to video and audio data without a valid subscription. Sawa discloses a bi-directional communication system using a client-server model whereby video information is transmitted over a network to a plurality of client terminals from a centralized server. An authentication server validates an authentication request message from the content

server (Col. 2, Lines 15-40) and subsequently denies access to users without access (Col. 4, Lines 33-44). Sawa is evidence that ordinary workers in the art would appreciate the ability to authenticate users in a networked video transmission system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the authentication server of Sawa with the medical diagnostic scanning video training system of Levy in view of Ramshaw in order to prevent unauthorized access to sensitive, copyrighted, or subscription based media content.

Regarding Claims 9 and 22, as stated above, Levy in view of Ramshaw discloses a computer based medical diagnostic scanning video training system with a client-server model of operation. Levy in view of Ramshaw however, do not disclose a subscription verification system using a license server and an application server in communication with said license server that is programmed to deny access to video and audio data without a valid subscription. Sawa discloses a bi-directional communication system using a client-server model whereby video information is transmitted over a network to a plurality of client terminals from a centralized server. A dedicated authentication server validates an authentication request message sent via the network from the content server (Col. 2, Lines 15-40) and hands off control based to a video data communication server (See Figure 2) that subsequently denies access to users without access (Col. 4, Lines 33-44). Sawa is evidence that ordinary workers in the art would appreciate the ability to authenticate users in a networked video transmission system. Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to use the authentication and video data servers of Sawa with the medical diagnostic scanning video training system of Levy in view of Ramshaw in order to prevent unauthorized access to sensitive, copyrighted, or subscription based media content by using a separate database of subscription users.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levy in view of Ramshaw and further in view of known prior art.

As stated above, Levy in view of Ramshaw discloses a medical diagnostic scanning system with interactive network-based video training. The system of Levy further discloses that the central access facility or host site comprises a computer with a memory and a disk-based storage medium (Col. 5, Lines 10-45). What is not disclosed, however, is a specific memory on the central access facility server for storing a video database that is accessed during the retrieval step. Official Notice is hereby taken that it is well known in the art that a computer acting as a server would have a memory for storing data that is accessed when the server requires retrieval of said data. Furthermore, it is well known that a "database," or a collection of data arranged in such a fashion that it is easily searched, sorted, and retrieved must be stored on a "memory" device. This "memory" could comprise random access memory (RAM), a hard disk, magneto-optical disc, or any other data storage medium. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the interactive medical diagnostic scanning video training system of Levy in view of

Ramshaw with a well-known memory device to store and retrieve video content from a database due to the ease and speed of search and retrieval of using such a method.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrd
May 27, 2004

HAI TRAN
PATENT EXAMINER